



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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#14

Mr. Roland Quiros
631 N Stephanie Street, #555
Henderson, NV 89014

MAILED

JUL 22 2003

In re Application of
Hilary Laing De Leon
Application No. 09/803,889
Filed: March 13, 2001
For: SELF-CONTAINED FLIGHT DATA
RECORDER WITH WIRELESS DATA
RETRIEVAL

Office of the Director
Group 3600
DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to applicant's petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office on June 9, 2003.

The petition is **DISMISSED**, pending submission of a renewed petition.

A review of the file record reveals that a final Office action was mailed to applicant at the address of record on November 4, 2002. Since a reply to the November 4, 2002 Office communication was not received before the expiration of the six month statutory time for reply, the application was held abandoned, and a Notice to that effect was mailed on May 21, 2003.


There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicant's statements of non-receipt should include a statement by her, and by anyone else at applicant's correspondence address, who would have handled the Office communication, and include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (e.g., a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records or other method which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained.

Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, fails to find a copy of the Office communication in question. Finally, applicant must state that she was in fact at the correspondence address of record at the time the Office communication would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Steven N. Meyers, Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868
Facsimile No.: (703) 605-0586

KJD/tpl: 7/17/03